

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 23RD FEBRUARY 2007 / 4TH PHALGUNA 1928

Bail Appl..No. 1111 of 2007()

CMP.257/2007 of J.M.F.C.,PEERUMEDU
O.R.NO.1/07 OF FOREST RANGE, AZHUTHA
.....

: PETITIONER/ACCUSED:

1. BENNY E.J., S/O.JOSE,
EDAYEDATHU HOUSE, PEERMADE KARA,
PEERMADE VILLAGE.
2. JAISON, S/O.THOMAS,
KOCHUPARAMBIL VEEDUK, MURIKADY KARA,
PERIYAR VILLAGE.
3. ABDUL ASSEEZ, S/O.CHEKKU HAJI,
PARANGODATHU VEEDU, VALIYODESAM,
VENGARA VILLAGE.

BY ADV. SRI.T.A.UNNIKRISHNAN
SRI.P.P.BIJU

RESPONDENTS: COMPLAINANT:

THE STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23/02/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V. RAMKUMAR, J.

.....
B.A. No. 1111 OF 2007
.....

Dated this the 23rd day of February, 2007

O R D E R

Petitioners, who are accused Nos.1, 4 and 5 in O.R. No.1/2007 of Forest Range, Azhutha for an offence punishable under section 27(1)(e)(iii) and (iv) of the Kerala Forest Act, seek their enlargement on bail. The first accused was arrested on 3.2.2007 and accused Nos.4 and 5 were arrested on 7.2.2007.

2. Learned Public Prosecutor submitted that since the 2nd accused, who is similarly situated as the first accused, has already been granted bail by this court as per order passed in B.A.No.1044/2007, the first accused also could be treated similarly. He, however, opposed the application on behalf of accused Nos.4 and 5 submitting, inter alia, that they are involved in other IPC offences.

3. Accordingly, the first accused is directed to be released on bail on his executing a bond for Rs. 10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M.-I, Peermade and subject to the following conditions:

1. The 1st petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The 1st petitioner shall make himself available for interrogation as and when required by the police till the filing of the final report.

3. The 1st petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

4. The 1st petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

The request for bail on behalf of accused Nos.4 and 5 is rejected.

This application is allowed as above.

(V. RAMKUMAR, JUDGE)

aks